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EXAMINER

FISH, JAMIESON W

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| ART UNIT | PAPER NUMBER |
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2617

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 09/821,059 | Applicant(s) GUTTA ET AL. | |
| | Examiner Jamieson W. Fish | Art Unit 2617 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 0205.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims **1-3, 5-7, 9-15, 17-18**, as amended, are rejected under 35 U.S.C. 102(b) as being anticipated by Lawler (U.S. #5,758,259)
2. Regarding claim **1**, Lawler teaches a television system comprising a display having an interactive interface for displaying a plurality of personal channels for a plurality of television viewers on said display (See Fig. 3B and Col. 4 lines 43-64, See Col. 7 lines 36-53, Col. 8 lines 45-50 The system identifies each of a plurality of viewers by a PIN and displays preferred programming (personal channel) for each particular viewer), said display presenting a visual indicia of each of the plurality of personal channels for allowing selection of one of the personal channels, said visual indicia being controllable by a remote control to invoke a personal channel featuring selective programs for an individual television viewer (See Fig. 3B, Fig. 4 and Col. 4 lines 43-67, Col. 5 lines 1-6 The user moves the cursor indication (shown as the thick border around "Trailside: Make You") to select content. Selectable content includes content in the personal preference row of the program grid. Each users' personal channel can be selected when it is displayed), said selective programs being programmed into said personal channel of said television system by at least one of the following techniques: through explicit information provided by the television viewer; through passive information, wherein the system observes what the television viewer is watching and automatically develops a profile (See Col. 2 lines 31-37); through collaborative filtering

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by observing what programs others a household of the television viewer have developed their personal channel (See Col. 9 lines 35-50); and through a combination of all of the above. The USPTO considers Applicant's "at least one of" language to be anticipated by any reference containing one of the subsequent corresponding elements.

3. Regarding claim 2, Lawler teaches wherein said remote control has means for scrolling about said display (See Fig. 3C, Fig. 4 directional control keypad 90 and Col. 4 lines 58-67 and Col. 5 lines 1-7).

4. Regarding claim 3, Lawler teaches wherein said remote control has means for controlling the splitting of the display (See Fig. 3C, Fig. 4 Action Button 91, Menu Button 93, and Col. 4 lines 58-67 and Col. 5 lines 1-51 Menu button or Action button activate the split display of Fig 3C).

5. Regarding claim 5, Lawler teaches a television system comprising a display having an interactive interface for displaying a visual indicia for a plurality of personal channels for a plurality of members in a household (See Fig. 3B and Col. 4 lines 43-64 and Col. 7 lines 35-53, Col. 8 lines 45-50 Figure 3B shows a visual indicia of a personal channel ("Personal Preference" cell) when a particular member of the household accesses personal content), said display being controllable by a remote control to invoke one of said personal channels featuring selective programs for each individual television viewer (See Fig. 3B, Fig. 4 and Col. 4 lines 43-67, Col. 5 lines 1-6 The user moves the cursor indication (shown as the thick border around "Trailside: Make You") to select content. Selectable content includes content in the personal preference row of the program grid. Each users' personal channel can be selected when it is displayed),

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said selective programs being programmed into said personal channel said television system by at least one of the following techniques: through explicit information provided each television viewer; and through passive information wherein the system observes what each television viewer is watching and automatically develops a profile (See Col. 2 lines 31-37). The USPTO considers Applicant's "at least one of" language to be anticipated by any reference containing one of the subsequent corresponding elements.

6. Regarding claim 6, Lawler teaches wherein said remote control has means for scrolling about said display (See Fig. 3C, Fig. 4 directional control keypad 90 and Col. 4 lines 58-67 and Col. 5 lines 1-7).

7. Regarding claim 7, Lawler teaches wherein said remote control has means for controlling the splitting of the display (See Fig. 3C, Fig. 4 Action Button 91, Menu Button 93, and Col. 4 lines 58-67 and Col. 5 lines 1-7 Menu Button or Action button activate the split display of Fig 3C).

8. Regarding claim 9, Lawler teaches wherein said display is controlled by a computational processing element (See Fig. 2 and Col. 3 lines 62-67, Col. 4 lines 1-42).

9. Regarding claim 10, Lawler teaches wherein said remote control has an actuating mechanism that allows selection of one of the visual indicia for the plurality of personal channels (See Fig. 3B, Fig. 4 and Col. 4 lines 43-67, Col. 5 lines 1-6).

10. Regarding claim 11, Lawler teaches wherein said remote control has an actuating mechanism that allows selection of one of the visual indicia for the plurality of personal channels (See Fig. 3B, Fig. 4 and Col. 4 lines 43-67, Col. 5 lines 1-6).

11. Regarding claim **12**, Lawler teaches wherein said display is controlled by a computational processing element (See Fig. 2 and Col. 3 lines 62-67, Col. 4 lines 1-42).

12. Regarding claim **13**, Lawler teaches a television system comprising: a display having an interactive interface that is capable of displaying a visual indicia for a plurality of personal channels (See Fig. 3B and Col. 4 lines 43-64 and Col. 7 lines 35-53, Col. 8 lines 45-50 Figure 3B shows a visual indicia of a personal channel ("Personal Preference" cell) when a particular member of the household accesses personal content), said display being controllable by a remote control to invoke one of said personal channels featuring a selective program for a individual television viewer (See Fig. 3B, Fig. 4 and Col. 4 lines 43-67, Col. 5 lines 1-6 The user moves the cursor indication (shown as the thick border around "Trailside: Make You") to select content. Selectable content includes content in the personal preference row of the program grid. Each users' personal channel can be selected when it is displayed), said selective program being programmed into said personal channel of said television system by at least one of the following techniques: through explicit information provided by each television viewer; and through passive information wherein the system observes what each television viewer is watching and automatically develops a profile (See Col. 8 lines 45-67, Col. 9 lines 1-38). The USPTO considers Applicant's "at least one of" language to be anticipated by any reference containing one of the subsequent corresponding elements.

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13. Regarding claim **14**, Lawler teaches wherein said remote control has means for scrolling about said display (See Fig. 3C, Fig. 4 directional control keypad 90 and Col. 4 lines 58-67 and Col. 5 lines 1-7).

14. Regarding claim **15**, Lawler teaches wherein said remote control has means for controlling the splitting of the display (See Fig. 3C, Fig. 4 Action Button 91, Menu Button 93, and Col. 4 lines 58-67 and Col. 5 lines 1-7 Menu Button or Action button activate the split display of Fig 3C).

15. Regarding claim **17**, Lawler teaches wherein said display is controlled by a computational processing element (See Fig. 2 and Col. 3 lines 62-67, Col. 4 lines 1-42).

16. Regarding claim **18**, Lawler teaches wherein said remote control has an actuating mechanism that allows selection of one of the visual indicia for the plurality of personal channels (See Fig. 3B, Fig. 4 and Col. 4 lines 43-67, Col. 5 lines 1-6).

Claim Rejections - 35 USC § 103

17. Claims **4**, **8**, and **16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler '259 in view of Lawler et al (US 5,699,107).

18. Regarding claims **4**, **8**, and **16**, Lawler '259 teaches wherein said remote control has means controlling various functions of the interactive station (See Fig. 3C, Fig. 4 directional control keypad 90, Action Button 91, and Col. 4 lines 17-26, 58-67 and Col. 5 lines 1-7). Lawler '259 does not specifically state that one of these functions is the recording of a television program. An interactive station with a function to record a television program is well known in the art as taught by Lawler '107 (See Fig. 2, Fig. 5 and Col. 10 lines 27-44). Therefore, it would have been obvious to one of ordinary skill in the art at

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the time the invention was made to equip Lawler's ('259) interactive station with a function that allowed a user to record a television program, thereby giving the remote control a means for controlling the recording of a program as taught by Lawler '107 to prevent a user from failing to view desired programming (See Lawler '107 Col. 1 lines 24-27).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamieson W. Fish whose telephone number is 571-272-7307. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JF 1-03-2005


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